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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,724	12/10/2001	Yoshiko Iida	862.C2465	3633

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EXAMINER
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PATEL, SHEFALI D

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/006,724	Applicant(s) IIDA ET AL.	
	Examiner Shefali D. Patel	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/3/02; 4/23/02</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Information Disclosure Statement*

2. The information disclosure statement filed on July 3, 2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

A copy of "New Version of Color Science Handbook 2<sup>nd</sup> Edition," is not in English and therefore not considered. Please provide a copy of this reference, if wanted to be considered by the examiner, in English.

3. The information disclosure statement (IDS) submitted on April 23, 2002 has been considered by the examiner. The submission is in compliance with the provisions of 37 CFR 1.97.

4. There are three references (application SN 09/987,779 (now, US PUB 2002/0060803); 09/624,376 (now US 6,687,988); 09/420,772 (now, US PUB 2003/0161530)) that were submitted in the original application. However, these did not appear on the form PTO-1449. These references have been considered and have been added on the form PTO-892 for the record.

### *Claim Objections*

5. Claim 6 is objected to because of the following informalities: Claim 6 lines 1-2 recites "...wherein the combination of the color data..." Please note that "combination" is recited in claim 4 and not claim 3. There is insufficient antecedent basis for this limitation in the claim. Perhaps, claim 6 ought to depend on claim 4 and not claim 3. Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosaka (US 4,716,456).

With regard to **claim 1** Hosaka discloses an image processing apparatus comprising (col. 1 line 57 to col. 2 lines 1-3): a first acquisition section, arranged acquire color data of an object (col. 2 lines 62 to col. 3 lines 1-23); second acquisition section, arranged to acquire spectral distribution data on the basis of the configuration of spectral distribution data defined in accordance with the acquired color data (col. 4 lines 14-34); and a generator, arranged generate image data constructed by the acquired color data and the plurality of spectral distribution data (col. 7 lines 39-50; col. 8 lines 4-15 and col. 10 line 33 to col. 11 lines 1-65).

With regard to **claim 2** Hosaka discloses an image processing apparatus (col. 1 line 57 to col. 2 lines 1-3) comprising: an input section, arranged to input image data constructed by color data and a plurality of spectral distribution data (Figure 1, document 2 being inputted; col. 2 lines 62 to col. 3 lines 1-23); and an estimator, arranged to estimate spectral distribution data of a total wavelength region on the basis of the configuration of the spectral distribution data defined in accordance with the color data (col. 4 lines 19-34, lines 43-54; col. 7 lines 7-45).

**Claim 3** discloses limitations that are combined from claim 1 and 2 as disclosed above and the arguments are not repeated herein, but are incorporated by reference. Thus, arguments similar to that presented above for claims 1-2 are equally applicable to claim 3.

With regard to **claim 4** Hosaka discloses combination of the spectral distribution data at col. 7 lines 27-48.

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With regard to **claim 5** Hosaka discloses the configuration of the spectral distribution data defined by a spectral distribution defined in accordance with the color data (col. 4 lines 14-34).

With regard to **claim 6** Hosaka discloses predetermining the color data and the configuration of the spectral distribution (col. 6 line 65 to col. 7 line 45).

With regard to **claim 7** Hosaka discloses the configuration of the spectral distribution data being arbitrarily changeable (throughout the Hosaka's reference depending on which wavelength is being analyzed with reference to the relative sensitivity).

**Claim 8** recites identical features as claim 1 except claim 8 is a method claim. Thus, arguments similar to that presented above for claim 1 is equally applicable to claim 8.

**Claim 9** recites identical features as claim 2 except claim 9 is a method claim. Thus, arguments similar to that presented above for claim 2 is equally applicable to claim 9.

**Claim 10** recites identical features as claim 3 except claim 10 is a method claim. Thus, arguments similar to that presented above for claim 3 is equally applicable to claim 10.

#### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (US 4,716,456) in view of Kouzaki (US 5,633,953).

With regard to **claim 11** Hosaka discloses the image processing method and an apparatus as disclosed above in claims 1 and 8 and the arguments are not repeated herein, but are incorporated by reference. Hosaka does not expressly disclose having a computer program product storing a computer

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readable medium. Kouzaki discloses this at CPU 71 in Figures 4 and 15 and at col. 9 lines 64 to col. 10 line 23. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Kouzaki with Hosaka. The motivation for doing so is that not only having a computer program product storing a computer readable medium conventional in the art but to have it to execute the instructions in order to process the method as suggested by Kouzaki. Therefore, it would have been obvious to combine Kouzaki with Hosaka to obtain the invention as specified in claim 11.

Claim 12 recites identical features as claim 9. Thus, arguments similar to that presented above for claim 9 is equally applicable to claim 12.

Claim 13 recites identical features as claim 10. Thus, arguments similar to that presented above for claim 10 is equally applicable to claim 13.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,333,757 -- Method and apparatus for producing and displaying spectrally-multiplexed images of three-dimensional imagery for use in stereoscopic viewing thereof

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shefali D. Patel whose telephone number is 571-272-7396. The examiner can normally be reached on M-F 8:00am - 5:00pm (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571) 272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shefali D Patel  
Examiner  
Art Unit 2621

June 26, 2005

*S. Patel*  
JOSEPH MANCINI  
PRIMARY EXAMINER